

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

JESSICA C. H.,¹

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil No. 4:22cv93

FINAL ORDER

Before the Court is Plaintiff Jessica C. H.'s action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security ("Commissioner") denying her claim for disability insurance benefits under the Social Security Act. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated October 4, 2022 (ECF No. 6), this matter was referred to United States Magistrate Judge Lawrence R. Leonard for a Report and Recommendation.

On November 28, 2022, the Commissioner filed a motion to dismiss for failure to prosecute. ECF No. 8. After receiving an extension of time, Plaintiff filed a

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

document styled as a motion for summary judgment on April 28, 2023. ECF No. 14. On May 30, 2023, because Plaintiff's purported summary judgment motion did not actually address "why she is entitled to summary judgment in this case," Judge Leonard filed a report and recommended that the Commissioner's motion to dismiss be granted and that the complaint be dismissed. ECF No. 15. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within 14 days from the date of mailing of the report. *Id.* at 3.

The Court has received no objections to the report, and the time for filing the same has expired. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, Advisory Committee's Note). Finding no clear error, the Court does hereby accept the findings and recommendations set forth in the report and recommendation of Magistrate Judge Leonard.

The Commissioner's motion to dismiss (ECF No. 8) is **GRANTED**, and the Plaintiff's Motion for Summary Judgment (ECF No. 14) is **DISMISSED**. The Complaint in this action (ECF No. 1-1) is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b).

The parties are **ADVISED** that an appeal from this Final Order may be commenced by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia

23510. This written notice must be received by the Clerk within sixty days from the date of this Final Order.

The Clerk is **REQUESTED** to provide a copy of this Order to all parties.

IT IS SO ORDERED.

June 21, 2023
Norfolk, Virginia

/s/
Arenda L. Wright Allen
United States District Judge